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**Human rights questions: implementation of human rights instruments**

# Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

## Report of the Secretary-General**

1. The General Assembly, by its resolution 39/46 of 10 December 1984, adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment contained in the annex to that resolution, and called upon all Governments to consider signing and ratifying the Convention as a matter of priority.

2. The Convention was opened for signature in New York on 4 February 1985. In accordance with its article 27, the Convention entered into force on 26 June 1987, on the thirtieth day after the date of deposit with the Secretary-General of the twentieth instrument of ratification or accession.

3. In its resolution 56/143 of 19 December 2001, the Assembly welcomed the work of the Committee against Torture and took note of its report;[1] urged all States that had not yet done so to become parties to the Convention as a matter of priority; invited all States ratifying or acceding to the Convention and those States that were parties to the Convention and had not yet done so to consider joining the States parties that had already made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20; urged all States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;[2] urged States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted, their obligation to submit reports in accordance with article 19 of the Convention; called upon the United Nations High Commissioner for Human Rights, in conformity with her mandate established in General Assembly resolution 48/141 of 20 December 1993, to continue to provide, at the request of Governments, advisory services for the preparation of national reports to the Committee and for the prevention of torture, as well as technical assistance in the development, production and distribution of teaching material for this purpose; urged States parties to take fully into account the conclusions and recommendations made by the Committee against Torture after its consideration of their reports; and requested the Secretary-General to submit to the Commission on Human Rights at its fifty-eighth session and the General Assembly at its fifty-seventh session a report on the status of the Convention.

* A/57/150.

** This report was submitted after the deadline so that it would contain as much updated information as possible.

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4. The Commission on Human Rights, by its resolution 2002/38 of 22 April 2002,[3] called upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment; and urged all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular part II, section B.5, relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law. Further, the Commission encouraged States parties to consider limiting the extent of any reservations they lodge to the Convention, to formulate any reservations as precisely and narrowly as possible, to ensure that no reservation is incompatible with the object and purpose of the Convention, and to review regularly any reservations made in respect of the provisions of the Convention with a view to withdrawing them.

5. As at 1 July 2002, the Convention had been ratified or acceded to by 129 States. In addition, 10 States had signed the Convention. The list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, is contained in annex I to the present report. The list of States that have accepted the amendments to articles 17 and 18 of the Convention is contained in annex II.

6. Under article 21 of the Convention, a State party may at any time declare that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention. Under article 22, a State party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.

7. As at 1 July 2002, 46 of the States parties to the Convention, namely Algeria, Argentina, Australia, Austria, Belgium, Bulgaria, Cameroon, Canada, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, the Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Togo, Tunisia, Turkey, Uruguay, Venezuela and Yugoslavia, had made the declarations provided for in articles 21 and 22 of the Convention. In addition, 4 States parties, namely, Japan, Uganda, the United Kingdom of Great Britain and Northern Ireland and the United States of America, had made the declaration provided for in article 21 only, thus bringing the number of declarations made under that article to 50. Three States parties have made a declaration under article 22 only, namely, Azerbaijan, Mexico, the Seychelles, bringing the total number of declarations made under that article to 49.

8. The provisions of articles 21 and 22 entered into force on 26 June 1987, in accordance with paragraph 2 of article 21 and paragraph 8 of article 22.

9. The eighth meeting of the States parties to the Convention was convened by the Secretary-General at the United Nations Office at Geneva on 28 November 2001 for the purpose of electing five members of the Committee against Torture to replace those whose terms of office were due to expire on 31 December 2001. The membership of the Committee for 2002 is as follows:

| *Member* | *Term expires on 31 December* |
|---|---|
| Peter Thomas Burns (Canada) | 2003 |
| Guibril Camara (Senegal) | 2003 |
| Sayed Kassem El Masry (Egypt) | 2005 |
| Felice Gaer (United States of America) | 2003 |
| Alejandro González Poblete (Chile) | 2003 |
| Andreas Mavrommatis (Cyprus) | 2003 |
| Fernando Mariño Menendez (Spain) | 2005 |
| Ole Vedel Rasmussen (Denmark) | 2005 |
| Alexander M. Yakovlev (Russian Federation) | 2005 |
| Yu Mengjia (China) | 2005 |

10. The Committee against Torture held its twenty-fifth to twenty-eighth sessions at the United Nations Office at Geneva from, respectively, 13 to 24 November 2000, 30 April to 18 May 2001, 12 to 23 November 2001 and 29 April to 17 May 2002. In accordance with article 24 of the Convention, the Committee will submit its annual report, covering its activities at the sessions referred to above, to the States parties and to the General Assembly at its fifty-seventh session.

*Notes*

[1] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 44* (A/56/44).

[2] Adopted by the Conference of States Parties to the Convention on 9 September 1992, in accordance with article 29, paragraph 1, of the Convention (CAT/SP/SR.4) and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992.

[3] *Official Records of the Economic and Social Council, 2002, Supplement No. 23* (E/2002/23), chap. II, sect. A.

# Annex I

## States that have signed, ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as at 1 July 2002

| *State* | *Date of signature* | *Date of receipt of the instrument of ratification, accession or succession* |
|---|---|---|
| Afghanistan | 4 February 1985 | 1 April 1987 |
| Albania | | 11 May 1994[b] |
| Algeria[a] | 26 November 1985 | 12 September 1989 |
| Antigua and Barbuda | | 19 July 1993[b] |
| Argentina[a] | 4 February 1985 | 24 September 1986 |
| Armenia | | 13 September 1993[b] |
| Australia[a] | 10 December 1985 | 8 August 1989 |
| Austria[a] | 14 March 1985 | 29 July 1987 |
| Azerbaijan[c] | | 16 August 1996[b] |
| Bahrain | | 6 March 1998[b] |
| Bangladesh | | 5 October 1998[b] |
| Belarus | 19 December 1985 | 13 March 1987 |
| Belgium[a] | 4 February 1985 | 25 June 1999 |
| Belize | | 17 March 1986[b] |
| Benin | | 12 March 1992[b] |
| Bolivia | 4 February 1985 | 12 April 1999 |
| Bosnia and Herzegovina | | 1 September 1993[c] |
| Botswana | 8 September 2000 | 8 September 2000 |
| Brazil | 23 September 1985 | 28 September 1989 |
| Bulgaria[a] | 10 June 1986 | 16 December 1986 |
| Burkina Faso | | 4 January 1999[b] |
| Burundi | | 18 February 1993[b] |
| Cambodia | | 15 October 1992[b] |
| Cameroon[a] | | 19 December 1986[b] |
| Canada[a] | 23 August 1985 | 24 June 1987 |
| Cape Verde | | 4 June 1992[b] |
| Chad | | 9 June 1995[b] |
| Chile | 23 September 1987 | 30 September 1988 |
| China | 12 December 1986 | 4 October 1988 |
| Colombia | 10 April 1985 | 8 December 1987 |
| Comoros | 22 September 2000 | |
| Costa Rica[a] | 4 February 1985 | 11 November 1993 |
| Côte d'Ivoire | | 18 December 1995[b] |
| Croatia[a] | | 12 October 1992[c] |

| *State* | *Date of signature* | *Date of receipt of the instrument of ratification, accession or succession* |
|---|---|---|
| Cuba | 27 January 1986 | 17 May 1995 |
| Cyprus[a] | 9 October 1985 | 18 July 1991 |
| Czech Republic[a] | | 22 February 1993[c] |
| Democratic Republic of the Congo | | 18 March 1996[b] |
| Denmark[a] | 4 February 1985 | 27 May 1987 |
| Dominican Republic | 4 February 1985 | |
| Ecuador[a] | 4 February 1985 | 30 March 1988 |
| Egypt | | 25 June 1986[b] |
| El Salvador | | 17 June 1996[b] |
| Estonia | | 21 October 1991[b] |
| Ethiopia | | 14 March 1994[b] |
| Finland[a] | 4 February 1985 | 30 August 1989 |
| France[a] | 4 February 1985 | 18 February 1986 |
| Gabon | 21 January 1986 | 8 September 2000 |
| Gambia | 23 October 1985 | |
| Georgia | | 26 October 1994[b] |
| Germany[a] | 13 October 1986 | 1 October 1990 |
| Ghana[a] | 7 September 2000 | 7 September 2000 |
| Greece[a] | 4 February 1985 | 6 October 1988 |
| Guatemala | | 5 January 1990[b] |
| Guinea | 30 May 1986 | 10 October 1989 |
| Guinea-Bissau | 12 September 2000 | |
| Guyana | 25 January 1988 | 19 May 1988 |
| Honduras | | 5 December 1996[b] |
| Hungary[a] | 28 November 1986 | 15 April 1987 |
| Iceland[a] | 4 February 1985 | 23 October 1996 |
| India | 14 October 1997 | |
| Indonesia | 23 October 1985 | 28 October 1998 |
| Ireland[a] | 28 September 1992 | 11 April 2002 |
| Israel | 22 October 1986 | 3 October 1991 |
| Italy[a] | 4 February 1985 | 12 January 1989 |
| Japan[d] | | 29 June 1999[b] |
| Jordan | | 13 November 1991[b] |
| Kazakhstan | | 26 August 1998[b] |
| Kenya | | 21 February 1997[b] |
| Kuwait | | 8 March 1996[b] |
| Kyrgyzstan | | 5 September 1997[b] |
| Latvia | | 14 April 1992[b] |
| Lebanon | | 5 October 2000[b] |

| *State* | *Date of signature* | *Date of receipt of the instrument of ratification, accession or succession* |
|---|---|---|
| Lesotho | | 12 November 2001[b] |
| Libyan Arab Jamahiriya | | 16 May 1989[b] |
| Liechtenstein[a] | 27 June 1985 | 2 November 1990 |
| Lithuania | | 1 February 1996[b] |
| Luxembourg[a] | 22 February 1985 | 29 September 1987 |
| Malawi | | 11 June 1996[b] |
| Mali | | 26 February 1999[b] |
| Malta[a] | | 13 September 1990[b] |
| Mauritius | | 9 December 1992[b] |
| Mexico[c] | 18 March 1985 | 23 January 1986 |
| Monaco[a] | | 6 December 1991[b] |
| Mongolia | | 24 January 2002[b] |
| Morocco | 8 January 1986 | 21 June 1993 |
| Mozambique | | 14 September 1999[b] |
| Namibia | | 28 November 1994[b] |
| Nauru | 12 November 2001 | |
| Nepal | | 14 May 1991[b] |
| Netherlands[a] | 4 February 1985 | 21 December 1988 |
| New Zealand[a] | 14 January 1986 | 10 December 1989 |
| Nicaragua | 15 April 1985 | |
| Niger | | 5 October 1998 |
| Nigeria | 28 July 1988 | 28 June 2001 |
| Norway[a] | 4 February 1985 | 9 July 1986 |
| Panama | 22 February 1985 | 24 August 1987 |
| Paraguay | 23 October 1989 | 12 March 1990 |
| Peru | 29 May 1985 | 7 July 1988 |
| Philippines | | 18 June 1986[b] |
| Poland[a] | 13 January 1986 | 26 July 1989 |
| Portugal[a] | 4 February 1985 | 9 February 1989 |
| Qatar | | 11 January 2000[b] |
| Republic of Korea | | 9 January 1995[b] |
| Republic of Moldova | | 28 November 1995[b] |
| Romania | | 18 December 1990[b] |
| Russian Federation[a] | 10 December 1985 | 3 March 1987 |
| Saint Vincent and the Grenadines | | 1 August 2001[b] |
| Sao Tome and Principe | 6 September 2000 | |
| Saudi Arabia | | 22 September 1997[b] |
| Senegal[a] | 4 February 1985 | 21 August 1986 |
| Seychelles[c] | | 5 May 1992[b] |

| *State* | *Date of signature* | *Date of receipt of the instrument of ratification, accession or succession* |
|---|---|---|
| Sierra Leone | 18 March 1985 | 25 April 2001 |
| Slovakia[a] | | 28 May 1993[c] |
| Slovenia[a] | | 16 July 1993[b] |
| Somalia | | 24 January 1990[b] |
| South Africa[a] | 29 January 1993 | 10 December 1998 |
| Spain[a] | 4 February 1985 | 21 October 1987 |
| Sri Lanka | | 3 January 1994[b] |
| Sudan | 4 June 1986 | |
| Sweden[a] | 4 February 1985 | 8 January 1986 |
| Switzerland[a] | 4 February 1985 | 2 December 1986 |
| Tajikistan | | 11 January 1995[b] |
| The former Yugoslav Republic of Macedonia | | 12 December 1994[c] |
| Togo[a] | 25 March 1987 | 18 November 1987 |
| Tunisia[a] | 26 August 1987 | 23 September 1988 |
| Turkey[a] | 25 January 1988 | 2 August 1988 |
| Turkmenistan | | 25 June 1999 |
| Uganda[d] | | 3 November 1986[b] |
| Ukraine | 27 February 1986 | 24 February 1987 |
| United Kingdom of Great Britain and Northern Ireland[d] | 15 March 1985 | 8 December 1988 |
| United States of America[d] | 18 April 1988 | 21 October 1994 |
| Uruguay[a] | 4 February 1985 | 24 October 1986 |
| Uzbekistan | | 28 September 1995[b] |
| Venezuela[a] | 15 February 1985 | 29 July 1991 |
| Yemen | | 5 November 1991[b]<br>10 September 1991 |
| Yugoslavia[a] | | 12 March 2001[c] |
| Zambia | | 7 October 1998[b] |

[a] Declaration made under arts. 21 and 22 of the Convention.
[b] Accession.
[c] Succession.
[d] Declaration made under art. 21 of the Convention.
[e] Declaration made under art. 22 of the Convention.

# Annex II

## States that have accepted the amendments to articles 17 (7) and 18 (5) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

| *State* | *Date of ratification* |
|---|---|
| Australia | 15 October 1993 |
| Bulgaria | 2 March 1995 |
| Canada | 8 February 1995 |
| Colombia | 1 September 1999 |
| Cyprus | 22 February 1994 |
| Denmark | 3 September 1993 |
| Ecuador | 6 September 1995 |
| Finland | 5 February 1993 |
| France | 24 May 1994 |
| Germany | 8 October 1996 |
| Iceland | 23 October 1996 |
| Liechtenstein | 24 August 1994 |
| Mexico | 15 March 2002 |
| Netherlands[a] | 24 January 1995 |
| New Zealand | 8 October 1993 |
| Norway | 6 October 1993 |
| Philippines | 27 November 1996 |
| Portugal | 17 April 1998 |
| Seychelles | 23 July 1993 |
| Spain | 5 May 1999 |
| Sweden | 14 May 1993 |
| Switzerland | 10 December 1993 |
| Ukraine | 17 June 1994 |
| United Kingdom of Great Britain and Northern Ireland | 7 February 1994 |

[a] For the Kingdom in Europe, the Netherlands Antilles and Aruba.